

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of BREANNA RENEE RUCKEL,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

CAROL ANN RUCKEL,

Respondent-Appellant.

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UNPUBLISHED

March 22, 2007

No. 272771

Wayne Circuit Court

Family Division

LC No. 03-421671-NA

Before: Servitto, P.J., and Talbot and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g) and (j). We affirm. This case is being decided without oral argument under MCR 7.214(E).

**I. FACTS**

Respondent's parental rights were terminated on August 11, 2006. Before that date, respondent's five other children were removed from her care for various reasons, including temporary homelessness, failure to feed the children, and poor parenting skills. At the time this petition was filed, two of respondent's children were temporary wards of the court due to respondent's poor housekeeping skills and her failure to protect one of the other children from sexual abuse. The only child concerned in this case is respondent's youngest. The petition for termination of the child's parental rights, filed in October of 2004, cited the other children's wardship, as well as the unsanitary, cluttered conditions of respondent's household. As of January 2006, respondent had not shown a stable income or permanent residence. Respondent stated that she worked on cars and that while she was working, the child could be in the garage or in the fenced-in yard without supervision. Respondent attended parenting classes, but she failed to demonstrate appropriate parenting skills during testimony regarding the concepts she had learned in the class. Petitioner renewed the request for termination of parental rights in March 2006, citing the above factors.

**II. STATUTORY GROUNDS FOR TERMINATION**

### A. Standard of Review

Termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). Once this has occurred, the trial court must terminate parental rights unless it finds that the termination is clearly not in the best interests of the child. *Id.* at 364-365. This Court reviews the trial court's findings under the clearly erroneous standard. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). A finding of fact is clearly erroneous if a reviewing court has a definite and firm conviction that a mistake was made, giving due regard to the trial court's special opportunity to observe the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

### B. Analysis

The trial court did not clearly err in finding that the statutory grounds for termination of respondent's parental rights were established by clear and convincing evidence. The child was removed from respondent's care at birth in October 2004. The evidence showed that respondent had neglected the child's half siblings in Indiana from 1988 to 1994 and in Michigan since June 2003, and the trial court correctly considered the child's proceeding a continuation of the 2003 Michigan proceeding. *In re LaFlure*, 48 Mich App 377, 391; 210 NW2d 482 (1973).

MCL 712A.19b(3)(g) provides that termination of parental rights is appropriate when the parent "fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age." Respondent failed to provide proper care and custody for the child by not providing an environmentally fit home for the child after her birth, despite receiving services for over one year for a prior child protection proceeding. Respondent complied with many elements of her parent-agency agreement, despite several changes in caseworkers, but a review of the entire record shows that she continues to lack insight into her failure to safeguard her children and fails to provide an environmentally fit home. Therefore, the trial court did not err in terminating respondent's parental rights under MCL 712A.19b(3)(g).

Further, because this Court has already established that there is at least one legitimate statutory ground for termination of parental rights, we need not examine whether the trial court erred in terminating respondent's parental rights under MCL 712A.19b(3)(c)(i) or (j). *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

## III. BEST INTERESTS OF CHILD

### A. Standard of Review

Once a statutory ground for termination is established by clear and convincing evidence, the trial court must terminate parental rights unless termination clearly is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, *supra* at 353. The trial court's decision on the best interests question is reviewed for clear error. *In re Trejo*, *supra* at 356-357.

## B. Analysis

The evidence did not show that termination of respondent's parental rights was clearly contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo, supra* at 356-357. The child was bonded to respondent in that she recognized her, but they did not share a child-parent bond from the child's perspective. Respondent never demonstrated that she had appropriate parenting abilities and that she could provide a safe environment for the child even after participation in many months of governmental programs. Therefore, we conclude that the evidence did not show that termination of respondent's parental rights was clearly contrary to the child's best interests.

Affirmed.

/s/ Deborah A. Servitto

/s/ Michael J. Talbot

/s/ Bill Schuette